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Gary D. Maynard, Director

DATE: December 15, 2004

TO: Beth Lenstra, Legislative Services Agency

FROM: Mary A. Benning, Legislative Liaison

SUBJECT: Legislatively-mandated report – Jail Capacity

Senate File 2298 requires the Department of Corrections to provide a report detailing the inmate capacity for each county jail, detention facility or municipal jail. The report shall also include population data of the jails and detention facilities, and options for integrating jails and detention facilities into the Department of Corrections. The language also indicates that the Department shall coordinate and provide information to the counties regarding available bed space in each county jail, detention facility, or municipal jail.<sup>1</sup>

## I. Jail Capacity

The Department of Corrections does provide inspections of county jails, and maintain statistics on those inspected jails.<sup>2</sup> However, these statistics maintained may or may not be a reflection of recent populations and capacity levels of the county jails. As part of general jail inspection duties, the Department of Corrections does receive and maintain self-reported information from the individual counties concerning various items of information, including average daily populations and capacities. A review of these annual jail statistics from July 2003 through June 2004 reveals a capacity amongst the 96 county jails of 5013 with a daily average population of 3630 offenders. Again, these beds are spaced around 99 counties, and do fluctuate on a daily basis. As well, the capacity bed space provided by the counties does include bed space involving 24-hour holds, which could not be utilized for longer terms confinement of offenders.<sup>3</sup> For example, Washington County is only authorized to provide services for ten 24-hour hold beds, and has a rated capacity of 10, which are all temporary 24-hour holding beds.

<sup>1</sup> A similar request was made of the Department of Corrections during the 2004 Legislative Session, and is incorporated again into this report. As well, a great deal of the response was based on previous submissions to the legislature.

<sup>2</sup> The Division of Criminal Justice and Juvenile Planning of the Iowa Department of Human Rights also has compiled information pertaining to jail space in its publication *Selected Information About County Jails and Adult Detention Facilities in Iowa*. A copy of this publication can be located at the following website: <http://www.state.ia.us/government/dhr/cjpp/pdfs/CountyJails.pdf>.

<sup>3</sup> As of June 30, 2004, the rated capacity for 24-hour temporary hold beds in all counties was 620.

The mission of the Iowa Department of Corrections is to:  
**Protect the Public, the Employees, and the Offenders**

The Department of Corrections has not traditionally maintained statistics on municipal jails. In response to this study, since July 2004, the Jail Inspector has been maintaining such self-reported information. A review of these statistics from July 2004 to November 2004 reveals a rated capacity of 112 amongst 13 temporary housing facilities (city) jails. As well, the statistics reveals an average daily population of 30. These jails are all temporary 24-hour hold jails.

## **II. Jail Integration**

Before listing possible options for integration of jail and detention facilities into the Department of Corrections, an outline of potential issues, legal and fiscal, and legislative needs to be documented.

1. The DOC is funded for 7,800 offenders; with an average count of around 8,500 offenders. The Department absorbs the cost through a variety of ways, including not filling staff positions.
2. Due to budgetary constraints, the Department cannot reimburse counties for holding state offenders from existing appropriations.
3. Historically, counties have charged more money for holding state violators than it costs DOC to house the same offender.
4. None of the county charges includes legally required services and programs such as: education and treatment programs for specifically identified behavioral disorders such as anger management, release programming, work programs, and substance abuse. As well, the counties are more limited with resources to provide long-term medical and mental health services (nursing, psychiatric, general medicine, pharmacy, etc.) and legal access to attorneys. Additional expenses incurred in providing such services and programs will likely be passed along to the Department of Corrections above and beyond the county confinement charges.
5. The potential offenders who would transfer to a county facility are also the same ones that provide community service and institutional work, which would have an impact on the institutions.
6. Historically, the counties with the highest number of offenders incarcerated do not have the empty jail beds to meet the demand that would be created by this program. The empty jail beds in this state are typically in rural Iowa counties.
7. The counties would be required to have access to the ICON and Parole Board system for record keeping, data sharing, and release purposes.

8. Currently, DOC provides tele-medicine services through the ICN as well as parole hearings; these services would have to be provided by the county.
9. Medical issues: The medical care for the Department of Corrections has been conducted in-house, emergent services at local hospitals and the University of Iowa Hospitals to utilize the indigent care fund. Transportation to and from the University of Iowa hospitals would likely be treated as a reimbursable expense for which the Department of Corrections does not have adequate funding.
10. Religious services must be provided to all documented religions and the county jails have greater limitations on providing these services on a long-term basis.
11. The inspections, audits, and oversight functions will require an increase in DOC staff.

Regretfully, this list could go on to include such issues as: pill lines, visiting, property, and other daily activities.

**The options are as follows.**

1. Create a system of regional jails. Senator Angelo has introduced a bill in previous years for the Southern Regional Jail Concept at a cost of \$15,000,000.
2. Shift the focus from state offenders being housed in jails to federal prisoners returning to Iowa.
3. Provide necessary funding to the state and counties to solve the issues, and others addressed above and proceed with a system that transfers minimum custody offenders to jails.

The Department of Corrections has been, and will continue to be, available to the counties for requested assistance in identifying potentially available bed space in other counties. Traditionally, overcrowded counties or counties with additional bed space have contacted the Jail Inspector or utilized other means to contact county officials directly to identify available bed space. The Jail Inspector assists in facilitating communication among these counties.